

*I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:*

METHOD FOR RE-SENSITIZING VANCOMYCIN RESISTANT BACTERIA USING AGENTS WHICH SELECTIVELY CLEAVE A CELL WALL DEPSIPEPTIDE

*the specification of which:  
(check one)*

\_\_\_\_\_ is attached hereto.

X was filed on August 23, 2001 as

**Application Serial No.** 09/938,746

and was amended August 23, 2001  
(if applicable)

*I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.*

*I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56.*

*I hereby claim foreign priority benefits under Title 35, United States Code, Section 119 (a)-(d) or Section 365(b) of any foreign application(s) for patent or inventor's certificate, or Section 365(a) of any PCT International Application which designated at least one country other than the United States, listed below. I have also identified below any foreign application for patent or inventor's certificate, or PCT International Application having a filing date before that of the earliest application from which priority is claimed:*

**Prior Foreign Application(s)**

**Priority Claimed**

[illegible]

I hereby claim the benefit under Title 35, United States Code, Section 119(e) of any United States provisional application(s) listed below:

<u>Provisional Application No.</u>	<u>Filing Date</u>	<u>Status</u>
N/A		

I hereby claim the benefit under Title 35, United States Code, Section 120 of any United States Application(s), or Section 365(c) of any PCT International Application(s) designating the United States listed below. Insofar as this application discloses and claims subject matter in addition to that disclosed in any such prior Application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, Section 1.56, which became available between the filing date(s) of such prior Application(s) and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status</u>
N/A		

**And I hereby appoint**

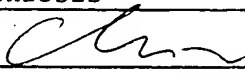
John P. White (Reg. No. 28,768); Christopher C. Dunham (Reg. No. 22,031); Norman H. Zivin (Reg. No. 25,385); Jay H. Maioli (Reg. No. 27,213); William E. Pelton (Reg. No. 25,702); Robert D. Katz (Reg. No. 30,141); Peter J. Phillips (Reg. No. 29,691); Wendy E. Miller (Reg. No. 35,615); Richard S. Milner (Reg. No. 33,970); Robert T. Maldonado (Reg. No. 38,232); Paul Teng (Reg. No. 40,837); Richard F. Jaworski (Reg. No. 33,515); Pedro C. Fernandez (Reg. No. 41,741); Gary J. Gershih (Reg. No. 39,992); Jane M. Love (Reg. No. 42,812); Spencer H. Schneider (Reg. No. 45,923); Alan D. Morrison (Reg. No. 37,399); Alan Miller (Reg. No. 42,889); Christopher M. Ries (Reg. No. 45,799) and Frank Bruno (Reg. No. 46,583)

and each of them, all c/o Cooper & Dunham LLP, 1185 Avenue of the Americas, New York, New York 10036, my attorneys, each with full power of substitution and revocation, to prosecute this application, to make alterations and amendments therein, to receive the patent, to transact all business in the Patent and Trademark Office connected therewith and to file any International Applications which are based thereon under the provisions of the Patent Cooperation Treaty.

Please address all communications, and direct all telephone call, regarding this application to:

John P. White, Esq. Reg. No. 28,678  
Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Tel. (212) 278-0400

*I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.*

Full name of sole or  
first joint inventor Gabriela Chiosis  
Inventor's signature   
Citizenship Romania Date of signature 12.14.01  
Residence 1233 York Avenue New York, NY 10021, U.S.A.  
Post Office Address Same as Above

Full name of sole or  
first joint inventor Ivo G. Boneca  
Inventor's signature \_\_\_\_\_  
Citizenship Portugal Date of signature \_\_\_\_\_  
Residence 71 Avenue Guy Moquet Apt. 6B12 94400 Vitry Sur Seine, France  
Post Office Address Same as Above

Full name of sole or  
first joint inventor W. Clark Still  
Inventor's signature \_\_\_\_\_  
Citizenship United States of America Date of signature \_\_\_\_\_  
Residence 60 Riverside Drive #4F New York, NY 10024, U.S.A.  
Post Office Address Same as Above

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Full name of sole or  
first joint inventor Gabriela Chiosis

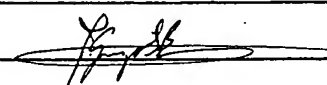
Inventor's signature \_\_\_\_\_

Citizenship Romania Date of signature \_\_\_\_\_

Residence 1233 York Avenue New York, NY 10021, U.S.A.

Post Office Address Same as Above

Full name of sole or  
first joint inventor Ivo G. Boneca

Inventor's signature 

Citizenship Portugal Date of signature December 14<sup>th</sup>, 2001

Residence 71 Avenue Guy Moquet Apt. 6B12 94400 Vitry Sur Seine, France

Post Office Address Same as Above

Full name of sole or  
first joint inventor W. Clark Still

Inventor's signature \_\_\_\_\_

Citizenship United States of America Date of signature \_\_\_\_\_

Residence 60 Riverside Drive #4F New York, NY 10024, U.S.A.

Post Office Address Same as Above

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Cooper & Dunham LLP  
1185 Avenue of the Americas  
New York, New York 10036  
Tel. (212) 278-0400

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Full name of sole or  
first joint inventor Gabriela Chiosis

Inventor's signature \_\_\_\_\_

Citizenship Romania Date of signature \_\_\_\_\_

Residence 1233 York Avenue New York, NY 10021, U.S.A.

Post Office Address Same as Above

Full name of sole or  
first joint inventor Ivo G. Boneca

Inventor's signature \_\_\_\_\_

Citizenship Portugal Date of signature \_\_\_\_\_

Residence 71 Avenue Guy Moquet Apt. 6B12 94400 Vitry Sur Seine, France

Post Office Address Same as Above

Full name of sole or  
first joint inventor W. Clark Still

Inventor's signature W. Clark Still

Citizenship United States of America Date of signature Dec 11, '01

Residence 60 Riverside Drive <sup>15D</sup> New York, NY 10024, U.S.A.

Post Office Address Same as Above

Applicant or Patentee: Gabriela Chiosis et al. Attorney's 64987  
Serial or Patent No.: 09/938,746 Docket No: JPW/GJG  
Filed or Issued: August 23, 2001  
Title of Invention or Patent: METHOD FOR RE-SENSITIZING VANCOMYCIN RESISTANT  
BACTERIA USING AGENTS WHICH SELECTIVELY CLEAVE A CELL  
WALL DEPSIPEPTIDE

VERIFIED STATEMENT (DECLARATION) CLAIMING  
SMALL ENTITY STATUS UNDER 37 C.F.R. §1.9(f)  
AND §1.27(d) - NONPROFIT ORGANIZATION

I hereby declare that I am an official empowered to act on behalf of the nonprofit organization identified below:

Name of Organization: The Rockefeller University  
Address of Organization: 1230 York Avenue - Box 81  
New York, New York 10021

TYPE OF ORGANIZATION:

☒ UNIVERSITY OR OTHER INSTITUTION OF HIGHER EDUCATION  
TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C. §§501(a) and  
501(c)(3)  
NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE OF THE UNITED  
STATES OF AMERICA  
NAME OF STATE: \_\_\_\_\_  
CITATION OF STATUTE: \_\_\_\_\_  
WOULD QUALIFY AS TAX EXEMPT UNDER INTERNAL REVENUE SERVICE CODE 26 U.S.C.  
§§501(a) and 501(c)(3) IF LOCATED IN THE UNITED STATES OF AMERICA  
WOULD QUALIFY AS NONPROFIT SCIENTIFIC OR EDUCATIONAL UNDER STATUTE OF STATE  
OF THE UNITED STATES OF AMERICA IF LOCATED IN THE UNITED STATES OF AMERICA  
NAME OF STATE: \_\_\_\_\_  
CITATION OF STATUTE: \_\_\_\_\_

I hereby declare that the nonprofit organization identified above qualifies as a nonprofit organization as defined in 37 C.F.R. §1.9(e)\* for purposes of paying reduced fees under 35 U.S.C. §41(a) and 41(b), with regard to the invention entitled METHOD FOR RE-SENSITIZING VANCOMYCIN RESISTANT BACTERIA USING AGENTS WHICH  
SELECTIVELY CLEAVE A CELL WALL DEPSIPEPTIDE  
by inventor(s) Ivo G. Boneca and Gabriela Chiosis and W. Clark Still

described in:

☐ the specification filed herewith  
☒ application serial no. 09/938,746 filed August 23, 2001  
patent no. \_\_\_\_\_ issued \_\_\_\_\_

I hereby declare that rights under contract or law have been conveyed to and remain with the nonprofit organization with regard to the above identified invention.

If the rights held by the nonprofit organization are not exclusive each individual, concern, or organization known to have rights to the invention is listed below<sup>a</sup> and no rights to the invention are held by any person, other than the inventor, who could not qualify as a small business concern under 37 C.F.R. §1.9(d)\* or a nonprofit organization under 37 C.F.R. §1.9(e)\*

<sup>a</sup>NOTE: Separate verified statements are required from each person, concern, or organization having rights to the invention averring to their status as small entities. 37 C.F.R. §1.27.

Name: The Trustees of Columbia University in the City of New York  
Address: Broadway and West 116th Street

(d) A small business concern as used in this chapter means any business concern as defined by the Small Business Administration in 13 C.F.R. §121.3-18, published on September 30, 1982 at 47 FR 43273. For the convenience of the users of these regulations, that definition states:

§121.3-18 Definition of small business for paying reduced patent fees under Title 35, U.S. Code.

(a) Pursuant to Pub. L. 97-247, a small business concern for purposes of paying reduced fees under 35 U.S. Code 41(a) and (b) to the Patent and Trademark Office means any business concern (1) whose number of employees, including those of its affiliates, does not exceed 500 persons and (2) which has not assigned, granted, conveyed, or licensed, and is under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor if that person had made the invention, or to any concern which would not qualify as a small business concern or a nonprofit organization under this section. For the purpose of this section concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both. The number of employees of the business concern is the average over the fiscal year of the the persons employed during each of the pay periods of the fiscal year. Employees are those persons employed on a full-time, part-time or temporary basis during the previous fiscal year of the concern.

(b) If the Patent and Trademark Office determines that a concern is not eligible as a small business concern within this section, the concern shall have a right to appeal that determination to the Small Business Administration. The Patent and Trademark Office shall transmit its written decision and the pertinent size determination file to the SBA in the event of such adverse determination and size appeal. Such appeals by concerns should be submitted to the SBA at 1441 L Street, NW., Washington, D.C. 20416 (Attention: SBA Office of General Counsel). The appeal should state the basis upon which it is claimed that the Patent and Trademark Office initial size determination on the concern was in error; and the facts and arguments supporting the concern's claimed status as a small business concern under this section.

(e) A nonprofit organization as used in this chapter means (1) a university or other institution of higher education located in any country; (2) an organization of the type described in section 501(c)(3) of the Internal Revenue Code of 1954 (26 U.S.C. 501(c)(3)) and exempt from taxation under section 501(a) of the Internal Revenue Code (26 U.S.C. 501(a)); (3) any nonprofit scientific or educational organization qualified under a nonprofit organization statute of a state of this country (35 U.S.C. 201(i); or (4) any nonprofit organization located in a foreign country which would qualify as a nonprofit organization under paragraphs (e)(2) or (3) of this section if it were located in this country.

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. 37 C.F.R. §1.28(b)\*.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. §1001, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Name of Person Signing: Kathleen A. Denis, Ph.D.  
Title In Organization: Senior Director of Technology Transfer  
Address: 1230 York Avenue  
New York, New York 10021  
Signature: *Kathleen A. Denis*  
Date Of Signature: 4/4/02

\*See Reverse



37 C.F.R. §1.28(b)

(b) Once status as a small entity has been established in an application or patent, fees as a small entity may thereafter be paid in that application or patent without regard to a change in status until the issue fee is due or any maintenance fee is due. Notification of any change in status resulting in loss of entitlement to small entity status must be filed in the application or patent prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate pursuant to §1.9 of this part. The notification of change in status may be signed by the applicant, any person authorized to sign on behalf of the assignee, or an attorney or agent of record or acting in a representative capacity pursuant to §1.34(a) of this part.

FORM PTO-1595 (Substitute)  
(Rev. 8-96)RECORDATION FORM COVER SHEET  
**PATENTS ONLY**U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Gabriela Chiosis and  
W. Clark Still

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

## 3. Nature of Conveyance:

- ☒ Assignment ☐ Merger  
☐ Security Agreement ☐ Change of Name  
☐ Other \_\_\_\_\_

Execution Date(s): December 17, 2001 and  
December 11, 2001

## 2. Name and address of receiving party(ies):

Name: The Trustees of Columbia University  
in the City of New York

Internal Address: \_\_\_\_\_

Street Address: West 116th Street and BroadwayCity/State/Zip: New York, New York 10027Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date(s) of the application is(are): \_\_\_\_\_

A. Patent Application No.(s) U.S. Serial No.:  
09/938,746, filed August 23, 2001

B. Patent No.(s) \_\_\_\_\_

Additional numbers attached? ☐ Yes ☒ No

## 5. Name and address of party to whom correspondence concerning document should be mailed:

Name: John P. WhiteInternal Address: COOPER & DUNHAM LLPStreet Address: 1185 Avenue of the AmericasCity/State/Zip: New York, New York 100366. Total number of applications and patents involved: 17. Total fee (37 CFR §3.41): ..... \$ 40.00☐ Enclosed☒ Authorized to be charged to deposit account

8. Deposit account number:

03-3125

## DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

John P. White

Name of Person Signing

Signature Reg. No. 28,678January 10, 2002

Date

I hereby certify that this correspondence is being deposited  
 this date with the U.S. Postal Service with sufficient postage  
 as first class mail in an envelope addressed to:  
 Commissioner of Patents and Trademarks, Washington,  
 D.C. 20231

John P. White  
 Reg. No. 28,678

Date

Total Number of pages including cover sheet, attachments and  
document: 4

OMB No 0651-0011 (exp 4/94)

Mail documents to be recorded with required cover sheet information to:  
 Commissioner of Patents and Trademarks  
 Box Assignments  
 Washington, D.C. 20231

# Assignment

In consideration of One Dollar (\$1.00), and other good and valuable considerations, the receipt of which is hereby acknowledged, we, the undersigned,

Gabriela Chiosis residing at 1233 York Avenue New York, NY 10021, U.S.A.,

and

W. Clark Still residing at 60 Riverside Drive #4F New York, NY 10024, U.S.A.

Hereby sell, assign and transfer to The Trustees of Columbia University in the City of New York

a corporation of the State of New York having a place of business at West 116th Street & Broadway, New York, New York 10027, U.S.A. in the County of New York and State of New York

its successors, assigns and legal representatives, the entire right, title and interest for all countries, in and to any and all inventions which are disclosed and claimed, and any and all inventions which are disclosed but not claimed, in the application for United States Patent, which has been executed by the undersigned on Dec. 14, 2001 and is entitled and Dec. 11, 2001

METHOD FOR RE-SENSITIZING VANCOMYCIN RESISTANT BACTERIA USING AGENTS WHICH SELECTIVELY CLEAVE A CELL WALL DEPSIPEPTIDE (U.S. Serial No. 09/938,746, filed August 23, 2001)

and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications for U.S. Letters Patent or other related property rights in any and all foreign countries which have been or shall be filed on any of said inventions disclosed in said application; and in and to all original and reissued patents or related foreign documents which have been or shall be issued on said inventions;

Authorize and request the Commissioner of Patents of the United States to issue to said Assignee, the corporation above named, its successors, assigns and legal representatives, in accordance with this assignment, any and all United States Letters Patent on said inventions or any of them disclosed in said application;

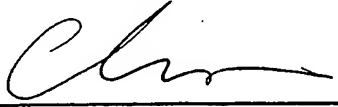
Agree that said Assignee may apply for and receive foreign Letters Patent or rights of any other kind for said inventions, or any of them; and may claim, in applications for said foreign Letters Patent or other rights, the priority of the aforesaid United States patent application under the provisions of the International Convention of 1883 and later modifications thereof, under the Patent Cooperation Treaty, under the European Patent Convention or under any other available international agreement; and that, when requested, without charge to, but at the expense of, said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned or the undersigned's executors or administrators will, for the United States and all foreign countries, execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications or other documents on any and all said inventions; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives, all facts known and documents available to the undersigned relating to said inventions and the history thereof; testify in all legal proceedings; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said inventions and for vesting title to said inventions and all applications for patents or related foreign rights and all patents on said inventions, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date: December 17, 2001

Witness: Henri Huez [signature]  
HENRI HUEZO [printed name]

1270 GERARD AVE. 5C [address]  
BRONX, NY 10452

 [L.S.]  
Gabriela Chiosis

Date: \_\_\_\_\_ 20

Witness: \_\_\_\_\_ [signature]  
\_\_\_\_\_ [printed name]  
\_\_\_\_\_ [address]

\_\_\_\_\_  
W. Clark Still [L.S.]

Agree that said Assignee may apply for and receive foreign Letters Patent or rights of any other kind for said inventions, or any of them; and may claim, in applications for said foreign Letters Patent or other rights, the priority of the aforesaid United States patent application under the provisions of the International Convention of 1883 and later modifications thereof, under the Patent Cooperation Treaty, under the European Patent Convention or under any other available international agreement; and that, when requested, without charge to, but at the expense of, said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned or the undersigned's executors or administrators will, for the United States and all foreign countries, execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications or other documents on any and all said inventions; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives all facts known and documents available to the undersigned relating to said inventions and the history thereof; testify in all legal proceedings; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said inventions and for vesting title to said inventions and all applications for patents or related foreign rights and all patents on said inventions, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date: \_\_\_\_\_ 20  
Witness: \_\_\_\_\_ [signature]  
\_\_\_\_\_ [printed name]  
\_\_\_\_\_ [address]  
\_\_\_\_\_

\_\_\_\_\_  
Gabriela Chiosis [L.S.]

Date: Dec. 11, 2001  
Witness: Carol Still [signature]  
Carol Still [printed name]  
60 Riverside Dr. [address]  
New York, NY 10024

W. Clark Still [L.S.]  
W. Clark Still

FORM PTO-1595 (Substitute)  
(Rev. 8-95)RECORDATION FORM COVER SHEET  
**PATENTS ONLY**U.S. DEPARTMENT OF COMMERCE  
Patent and Trademark Office

To the Honorable Commissioner of Patents and Trademarks. Please record the attached original documents or copy thereof.

## 1. Name of conveying party(ies):

Ivo G. Boneca

Additional name(s) of conveying party(ies) attached?

☐ Yes ☒ No

## 3. Nature of Conveyance:



Assignment



Merger



Security Agreement



Change of Name



Other

Execution Date(s): December 14, 2001

## 2. Name and address of receiving party(ies):

Name: The Rockefeller University

Internal Address: \_\_\_\_\_

Street Address: 1230 York AvenueCity/State/Zip: New York, NY 10021Additional name(s) & address(es) attached? ☐ Yes ☒ No

4. Application number(s) or patent number(s): If this document is being filed together with a new application, the execution date(s) of the application is(are): \_\_\_\_\_

A. Patent Application No(s) U.S. Serial No.:09/938,746, filed August 23, 2001

5. Patent No.(s) \_\_\_\_\_

Additional numbers attached?

☐ Yes ☒ No

5. Name and address of party to whom correspondence concerning document should be mailed:

Name: John P. WhiteInternal Address: Cooper & Dunham LLPStreet Address: 1185 Avenue of the AmericasCity/State/Zip: New York, New York 100366. Total number of applications and patents involved: 17. Total fee (37 CFR §3.41): ..... \$ \$40.00

Enclosed



Authorized to be charged to deposit account

8. Deposit account number:

03-3125

DO NOT USE THIS SPACE

## 9. Statement and signature.

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.

John P. White

Name of Person Signing

Signature

Reg. No. 28,678January 10, 2002

Date

Total Number of pages including cover sheet, attachments and document: 3

I hereby certify that this correspondence is being deposited this date with the U.S. Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner of Patents and Trademarks, Washington, D.C. 20231.

John P. WhiteReg. No. 28,678

Date

OMB No. 0651-0011 (exp. 4/94)

Mail documents to be recorded with required cover sheet information to:  
Commissioner of Patents and Trademarks  
Box Assignments  
Washington, D.C. 20231

# Assignment

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Ivo G. Boneca residing at 71 Avenue Guy Moquet Apt. 6B12 94400 Vitry Sur Seine, France,

Hereby sell, assign and transfer to The Rockefeller University

a corporation of the State of

New York, having a place of business at 1230 York Avenue  
New York, New York 10021, U.S.A.  
in the County of New York and State of New York

its successors, assigns and legal representatives, the entire right, title and interest for all countries, in and to any and all inventions which are disclosed and claimed, and any and all inventions which are disclosed but not claimed, in the application for United States Patent, which has been executed by the undersigned on Dec. 14, 2001 and is entitled

METHOD FOR RE-SENSITIZING VANCOMYCIN RESISTANT BACTERIA USING  
AGENTS WHICH SELECTIVELY CLEAVE A CELL WALL DEPSIPEPTIDE  
(U.S. Serial No. 09/938,746, filed August 23, 2001)

and in and to said application and all divisional, continuing, substitute, renewal, reissue, and all other applications for U.S. Letters Patent or other related property rights in any and all foreign countries which have been or shall be filed on any of said inventions disclosed in said application; and in and to all original and reissued patents or related foreign documents which have been or shall be issued on said inventions;

Authorize and request the Commissioner of Patents of the United States to issue to said Assignee, the corporation above named, its successors, assigns and legal representatives, in accordance with this assignment, any and all United States Letters Patent on said inventions or any of them disclosed in said application;

Agree that said Assignee may apply for and receive foreign Letters Patent or rights of any other kind for said inventions, or any of them; and may claim, in applications for said foreign Letters Patent or other rights, the priority of the aforesaid United States patent application under the provisions of the International Convention of 1883 and later modifications thereof, under the Patent Cooperation Treaty, under the European Patent Convention or under any other available international agreement; and that, when requested, without charge to, but at the expense of, said Assignee, its successors, assigns and legal representatives, to carry out in good faith the intent and purpose of this assignment, the undersigned or the undersigned's executors or administrators will, for the United States and all foreign countries, execute all divisional, continuing, substitute, renewal, reissue, and all other patent applications or other documents on any and all said inventions; execute all rightful oaths, assignments, powers of attorney and other papers; communicate to said Assignee, its successors, assigns and representatives, all facts known and documents available to the undersigned relating to said inventions and the history thereof; testify in all legal proceedings; and generally do everything possible which said Assignee, its successors, assigns or representatives shall consider desirable for aiding in securing, maintaining and enforcing proper patent protection for said inventions and for vesting title to said inventions and all applications for patents or related foreign rights and all patents on said inventions, in said Assignee, its successors, assigns and legal representatives; and

Covenant with said Assignee, its successors, assigns and legal representatives that no assignment, grant, mortgage, license or other agreement affecting the rights and property herein conveyed has been made to others by the undersigned, and that full right to convey the same as herein expressed is possessed by the undersigned.

Date: 14 December 2001

Witness: *[Signature]* [signature]

DERBISE ANNE [printed name]

71 Avenue Guy DOQUET [address]

94400 VITRY S/S FRANCE

*[Signature]* [L.S.]  
Ivo G. Boneca